

4061-27:JAN:115237

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Docket No. 4061-27

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **PRODUCT BLENDER AND DISPENSER**, the specification of which

(check one) ☒ is attached hereto.
☐ was filed on _____ as Application Serial No. _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<p>I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:</p>				

(Application Serial No.) (Filing Date) (Status - patent/pending/abandoned)

I hereby claim benefit under Title 35, United States Code, §119(e) of any United States Provisional application(s) listed below:

(Application Number)

(Filing Date)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Harold R. Woodard, No. 16,214; C. David Emhardt, No. 18,483; Joseph A. Naughton, Jr., No. 19,814; John V. Moriarty, No. 26,207; John C. McNett, No. 25,533; Thomas Q. Henry, No. 28,309; James M. Durlacher, No. 28,840; Charles R. Reeves, No. 28,750; Vincent O. Wagner, No. 29,596; Steve Zlatos, No. 30,123; Spiro Bereskos, No. 30,821; William F. Bahret, No. 31,087; Clifford W. Browning, No. 32,201; R. Randall Frisk, No. 32,221; Daniel J. Lueders, No. 32,581; Kenneth A. Gandy, No. 33,386; Timothy N. Thomas, No. 35,714; Kerry P. Sisselman, No. 37,237; Kurt N. Jones, 37,996; John H. Allie, No. 39,088; Holiday W. Banta, No. 40,311; Troy J. Cole, No. 35,102; L. Scott Paynter, No. 39,797; J. Andrew Lowes, No. 40,706; Charles J. Meyer, No. 41,996; Matthew R. Schantz, No. 40,800; Gregory B. Coy, No. 40,967; Lisa A. Hiday, No. 40,036; John V. Daniluck, No. 40,581; Christopher A. Brown, No. 41,642; C. John Brannon, No. 44,557; Jason J. Schwartz, No. 43,910; Arthur J. Usher, IV, No. 41,359; Douglas A. Collier, No. 43,556; Brad A. Schepers, 45,431; Scott J. Stevens, No. 29,446; James B. Myers, Jr., No. 42,021; John M. Bradshaw, No. 46,573; Charles Schmal 45,082 and Edward H. Sowers 36,015.

Address all telephone calls to: Joseph A. Naughton at (317) 634-3456

Address all correspondence to: Joseph A. Naughton, Esquire

Woodard, Emhardt, Naughton, Moriarty & McNett
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **ERNEST C. GERBER**

Inventor's Signature: Ernest C. Gerber

Residence: Danville, Indiana

Citizenship: United States of America

Post Office Address: 1661 North Washington Street, Danville, Indiana, 46122

Date of Signature: January 25, 2001



731-27
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAY 02, 2001

PTAS
WOODARD, EMHARDT, NAUGHTON, ET AL
JOSEPH A. NAUGHTON
111 MONUMENT CIRCLE, SUITE 3700
BANK ONE CENTER/TOWER
INDIANAPOLIS, INDIANA 46204-5137



101621025A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/13/2001

REEL/FRAME: 011526/0375

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

GERBER, ERNEST C.

DOC DATE: 01/26/2001

ASSIGNEE:

FLAVOR BURST CO.
499 COMMERCE DRIVE
DANVILLE, INDIANA 46122

SERIAL NUMBER: 09769587

FILING DATE: 01/25/2001

PATENT NUMBER:

ISSUE DATE:

RECEIVED

SHAREILL COLES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

MAY 08 2001

Woodard, Emhardt, Naughton,
Murphy & McHaff

BEST AVAILABLE COPY

02-26-2001

WENMM 1619A (2-99)



101621025

RECORDATION FORM COVER SHEET PATENTS ONLY

FEB 13 2001

2-13-01

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type		Conveyance Type	
<input checked="" type="checkbox"/> New		<input checked="" type="checkbox"/> Assignment	<input type="checkbox"/> Security Agreement
<input type="checkbox"/> Resubmission (Non-Recordation) Document ID#		<input type="checkbox"/> License	<input type="checkbox"/> Change of Name
<input type="checkbox"/> Correction of PTO Error Reel # Frame #		<input type="checkbox"/> Merger	<input type="checkbox"/> Other
<input type="checkbox"/> Corrective Document Reel # Frame #		U.S. Government (For use ONLY by U.S. Government Agencies)	
		<input type="checkbox"/> Departmental File	<input type="checkbox"/> Secret File
Conveying Party(ies)		<input type="checkbox"/> Mark if additional names of conveying parties attached	
		Execution Date Month Day Year	
Name (line 1) Ernest C. Gerber		January 26, 2001	
Name (line 2)			
Second Party		Execution Date Month Day Year	
Name (line 1)			
Name (line 2)			
Receiving Party		Mark if additional names of receiving party attached	
Name (line 1) Flavor Burst Co.		<input type="checkbox"/> If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)	
Name (line 2)			
Address (line 1) 499 Commerce Drive			
Address (line 2)			
Address (line 3) Danville		Indiana, USA	
City		State/Country	
		Zip Code	
Domestic Representative Name and Address		Enter for the first Receiving Party only.	
Name			
Address (line 1)			
Address (line 2)			
Address (line 3)			
Address (line 4)			
FOR OFFICE USE ONLY			

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington D.C., 20231

BEST AVAILABLE COPY

Page 2

FEB 13 2001

Correspondent Name and Address

Area Code and Telephone Number

(317) 634-3456

Name

Joseph A. Naughton

Address (line 1)

Woodard, Emhardt, Naughton, Moriarty & McNett

Address (line 2)

111 Monument Circle, Suite 3700

Address (line 3)

Bank One Center/Tower

Address (line 4)

Indianapolis, Indiana 46204-5137

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

2

Application Number(s) or Patent Number(s)

Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)**Patent Number(s)**

09/769,587

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Corporation TreatyEnter a PCT application number only if a U.S. Application Number has not been assigned.

PCT

PCT

PCT

PCT

PCT

PCT

Number of properties

Enter the total number of properties involved

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 40.00

Method of Payment:
Deposit Account☒ Enclosed☐ Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account).

Deposit Account Number

#23-3030

Authorization to charge additional fees:

Yes ☒No ☐**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Joseph A. Naughton

Name of Person Signing

Signature

Date

BEST AVAILABLE COPY

4061-27 JAN:115244

ASSIGNMENT

WHEREAS, Ernest C. Gerber of Danville, Indiana hereinafter referred to as Assignor, has made a new and useful invention related to **PRODUCT BLENDER AND DISPENSER** for which Assignor has made or will make application for Letters Patent of the United States; and

WHEREAS, Flavor Burst Co., hereinafter referred to as Assignee, a partnership of the State of Indiana having a principal place of business at 499 Commerce Drive, Danville, Indiana, 46122 desires to acquire all of the entire right, title, and interest in, to and under said invention disclosed, described and claimed or intended so to be in said application, and in, to and under said application, and in, to and under any and all Letters Patent, United States and foreign, which may be obtained therefor and thereon;

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar (\$1.00) and other good, valuable and sufficient considerations to Assignor in hand paid, the receipt of which is hereby acknowledged, Assignor has sold, assigned and transferred, and by these presents does sell, assign and transfer unto Assignee, all of the entire right, title, and interest in, to and under said invention disclosed, described and claimed or intended so to be in said application, and in, to and under said application for United States Letters Patent executed by Assignor this 25 day of January, 2001, and any and all other applications thereon and arising therefrom, including any and all divisions and continuations thereof, and any and all patents to be issued and obtained therefor and thereon, United States and foreign, including all reissues and extensions thereof.

Assignor hereby authorizes and requests the firm of Woodard, Emhardt, Naughton, Moriarty & McNett of Bank One Center/Tower, 111 Monument Circle, Suite 3700, Indianapolis, Indiana 46204-5137 to insert here in parentheses (Application No. 09/769587, Filed January 25, 2001) the date and serial number of said application when officially known, and Assignor hereby authorizes and requests the Assistant Commissioner for Patents to issue said Letters Patent to Assignee, its assigns and legal representatives.

Assignor agrees to sign and execute any and all other papers necessary or desirable for the procurement of Letters Patent on said invention in this and all foreign countries for the use of Assignee.

Page 1 of 2

Ernest C. Gerber
U.S. Utility Patent Application
PRODUCT BLENDER AND DISPENSER
Our Ref.: 4061-27

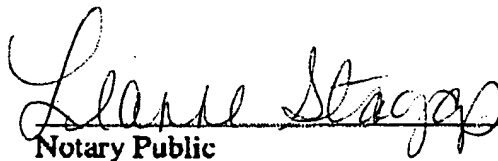
BEST AVAILABLE COPY

WITNESS Assignor's hand this 26 day of January, 2001.


Ernest C. Gerber

STATE OF INDIANA)
COUNTY OF HENDRICKS) SS:
)

Before me, a Notary Public, in and for said County and State, personally appeared the above-named Assignor, **Ernest C. Gerber**, to me personally known, and who executed the foregoing Assignment in my presence and acknowledged the execution thereof as his free and voluntary act and deed for the uses and purposes therein set forth and expressed.


Notary Public

My Commission Expires:

LEANNE STAGGS, Notary Public
Printed: My Commission Expires: 1/21/2008
County of Residence: HENDRICKS
Resident of _____ County

4061-27; JAN:115244

RECEIVED

JAN 31 2001

Woodard, Emhardt, Naughton,
Moriarty & McNett

Page 2 of 2

Ernest C. Gerber
U.S. Utility Patent Application
PRODUCT BLENDER AND DISPENSER
Our Ref: 4061-27

BEST AVAILABLE COPY